

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jiuhuai Lu, et al.

Serial No.: 10/532,845

Filed: April 27, 2005

For: MOVING PICTURE CODING  
METHOD, MOVING PICTURE  
DECODING METHOD AND  
PROGRAM

Patent Examiner: Lee, Y. Young

Group Art Unit: 2621

June 8, 2009

Costa Mesa, California 92626

37 CFR § 1.131 DECLARATION OF HIROMORI NII

I, Hiromori Nii, declare as follows:

1. I am a Japanese patent attorney with an office at 6F, Tanaka Ito Pia Shin-Osaka Bldg., 3-10, Nishi Nakajima 5-chome, Yodogawa-ku, Osaka-city, Osaka 532-0011, Japan.


2. I was involved in filing the formal specification and drawings for Japanese Patent Application No. 2003-398981. I was provided drawings that were drafted by the inventors, including a diagram shown as Figure 1, describing an embodiment of the invention and also Figure 24, which was purportedly a diagram describing the prior art. In preparing the formal Japanese patent application, I was not aware that Figure 24 contained errors including the legend "Filter application information" that had been inappropriately left in Figure 24, although the signal line from the memory 501 to the multiplexing unit 508 had been removed.

3. As a result, erroneous information was included in Figure 24 and it is now my understanding that Figure 24 was derived from the inventors by modifying Figure 1. This was

an error that I did not appreciate, nor was I aware of this error, until the inventors brought it to my attention in response to the outstanding Final Office Action of March 9, 2009. This error was replicated in the PCT International Application US 04/04647 and carried forward into the national phase application now in prosecution as U.S. Serial No. 10/532,845. This error was non-intentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on June 9, 2009, at Osaka, Japan.

  
Hiromori Nii